

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Sixteenth Judicial District Court, County of Custer

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-15-034
-vs-)	
)	DECISION
TRISTEN JAY PETERS,)	
)	
Defendant.)	

On November 6, 2015, the District Court sentenced the Defendant to a commitment to the Montana State Prison for a term of twenty (20) years, with ten (10) years suspended, for the offense of Count I: Aggravated Assault, a Felony, in violation of §45-5-201(1), MCA. For the weapons enhancement provision, the Court sentenced the Defendant to a commitment to the Montana State Prison for a term of ten (10) years, none of which was suspended, to run consecutive with the term imposed for Count I. The Court ordered restitution in the amount of \$5,196.98 to the Montana Crime Victim Compensation Program. The Court granted the Defendant credit for time served of 174 days.

The District Court recommended that the Defendant be evaluated for psychiatric medications as soon as practical to do so. The Court recommended that the Defendant participate in a mental health program while at the prison. The Court recommended that, at the time of parole, the Defendant be considered for placement at the NEXUS treatment facility to address his methamphetamine addiction, any mental health disorder, and the Defendant's need for positive social development.

On February 22, 2018, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant appeared by videoconferencing from the Crossroads Correctional Center and was represented by Brent Getty of the Office of the State Public Defender. The State was represented by Custer County Attorney, Wyatt Glade, by videoconferencing.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive. Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 22nd day of February, 2018.

DATED this 9th day of March, 2018.

SENTENCE REVIEW DIVISION

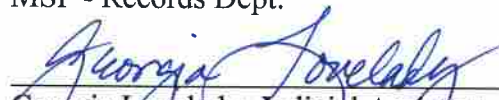

Hon. Kathy Seeley, Chairperson


Hon. Brenda Gilbert, Member


Hon. Dan Wilson, Member

Copies mailed this 13th day
of March, 2018, to:

Clerk of District Court (Original)
Tristen Jay Peters #3017339, Defendant (2)
Hon. Michael B. Hayworth
Brent Getty, Defense Counsel
Wyatt A. Glade, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Loyelady, Judicial Assistant
Sentence Review Division